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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
Civil Application No.2938 of 2004
In
Writ Petition No.695 of 1990

Sadashiv Gangaram Lambe,
Since deceased by his heirs
and legal representatives
Smt.Akkabai Sadashiv Lambe
and Others. .. Applicants

Vs.
Subhash Akaram Gotkhinde. .. Respondent
--
Shri G.R.Rele i/b Shri S.R.Railkar for the applicants.

Shri G.H.Keluskar for the respondent.
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CORAM : R.M.S.KHANDEPARKAR, J

DATED : 14th December, 2004.

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1. Taken up on board on request.

2. Heard. The grievance of the applicants is that inspite of the specific order dated 8th December, 2004 to maintain status quo in relation to the suit premises, the respondent has demolished the structure, as stated by the applicants, on the said date subsequent to the said order. In support of their contention, the applicants have sought to produce the photographs of the area allegedly clicked on 9th December, 2004. The contention of the respondent is that the structure was demolished on 8th December, 2004 prior to the passing of the said order. The photographs produced by the applicants nowhere disclose that the respondent has brought about any change at the site subsequent to the order dated 8th December, 2004. Being so, there is no case for proceeding against the respondent for violation of the order dated 8th December, 2004.

3. As regards the violation of the order dated

6th September, 1990 passed in the Civil Application No.2823 of 1990, undisputedly the said order was in relation to the restrainment of the respondent from alienating, encumbering, parting with possession and/or creating third party rights in the suit premises. The act of the respondent nowhere discloses any of the things like alienating, encumbering, parting with and/or creating third party rights in the suit premises. Being so, there is absolutely no case for proceeding against the respondent for violation of the order dated 6th September, 1990.

4. For the reasons stated above, therefore, there is no case for proceeding against the respondent for contempt of Court. The application therefore is rejected.